

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1753 : PATENT APPLICATION
Examiner R. McDonald :
In re application of : **METHOD AND APPARATUS FOR
PREPARING SPECIMENS FOR
MICROSCOPY**
FISCHIONE ET AL. :
Serial No.: 10/633,130 :
Filed: August 1, 2003 :

November 12, 2010

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Applicants hereby respond to the Notice of Non-Compliant Appeal Brief issued October 14, 2010 (“Notice”), and file a Supplemental Brief herewith to correct the alleged deficiencies cited in the Notice.

First, the Notice states that Item 2, the Status of Claims section of the brief, fails to list the status of all claims (e.g., appealed, canceled, withdrawn). In addition, it was noted that claim 138 is listed as being on appeal, however, in the claims appendix, claim 138 is listed as being canceled. Applicants have revised this section of the brief to address the allegations set forth in the Notice and submit a Supplemental Appeal Brief, which they believe is now compliant with 37 CFR 41.37(c)(1)(iii).

Next, the Notice alleges in Item 9, that the heading "Related Proceedings Appendix" is missing from the Brief. Applicants have corrected the previous heading titled "Appendix of Related Appeals and Interferences" and submit a new replacement page for this defective area.

Finally, upon review of the Appendix of Claims, Applicants discovered that Claim 149 was incorrectly identified as "Previously Presented." Applicants have corrected the status identifier to "Rejected," and submit a replacement Appendix for inclusion in the brief.

Applicants contend that the Brief is in condition for the Board's consideration. No additional fee is believed necessary to file this Supplemental Appeal Brief. If this assumption is incorrect, authorization is given to charge the necessary fee to Deposit Account No. 50-0526.

Respectfully submitted,

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